IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

LA.App..No. 195 of 2005()

LAR.62/1999 of SUB COURT, MANJERI
.....

APPELLANT: 2ND RESPONDENT

KERALA STATE INDUSTRIAL DEVELOPMENT
CORPORATION, TRIVANDRUM, REP. BY
ITS SECRETARY.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS: CLAIMANT & 1ST RESPONDENT
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1. PEEDIKAPARAMBAN AHAMMEDKUTTY,
S/O.MOHAMMED HAJI, P.O.
HAJIYARPALLY, MALAPPURAM.

2. THE DISTRICT COLLECTOR,
MALAPPURAM.

R2 BY GOVERNMENT PLEADER SRI K.V.MANOJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.195 of 2005

Dated: September 19, 2007

JUDGMENT

Kurian Joseph, J.

This is an appeal filed by the requisitioning authority against the judgment and decree in LAR 62/1999 on the file of the Sub Court, Manjeri. The acquisition is for the purpose of the Industrial Growth Centre at Panakkad. The land acquisition officer fixed the land value at Rs2311/- per cent. The Reference Court fixed the land value at Rs.3250/- per cent. Aggrieved, this appeal is filed.

2. It is the contention of the learned counsel for the appellant that there is no evidence available enabling the court to fix the land value at Rs.3250/- per cent. We are afraid, the above contention cannot be appreciated. In fact, on the part of the claimants, Exts.A1 to A5 documents were marked and AWs.1 to 4 were examined. The court found that the basic document relied on by the land acquisition officer is only in respect of barren land whereas the acquired property is fertile land. Ext.A3 document is executed in 1987 and the value therein is Rs.3500/- per cent. Treating it as an indicator, on an overall assessment of the nature, lie and importance of the acquired property, and also the proximity of the property to the tar road, land

value has been fixed at Rs.3250/- per cent, which, in our view, is only just and proper. Therefore, there is no merit in this appeal. It is accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-